

**Amendments to the Claims**

Please cancel Claims 3, 7, 8, 11, 15, and 16. Please amend Claims 1, 4, 5, 9, 12, 13, and 17. The Claim Listing below will replace all prior versions of the claims in the application:

**Claim Listing**

1. (Currently Amended) An apparatus for assisting in the remote safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
  - an electro-mechanical actuator positioned inside the tailgate arranged to open tailgate latches; and
  - a module which controls a descent of the tailgate, wherein the module includes a pre-tensioned spring with lost motion that arrests the tailgate in a partially opened position.
2. (Original) The apparatus of Claim 1, wherein the electro-mechanical actuator opens the tailgate latches without interfering with a manual opening of the latches.
3. Canceled
4. (Currently Amended) The apparatus of Claim [[3]] 1, wherein the pre-tensioned spring is a torsion rod.
5. (Currently Amended) The apparatus of Claim [[3]] 1, wherein the pre-tensioned spring is a spiral spring linkage on the tailgate.
6. (Original) The apparatus of Claim 1, further comprising an electrical switch which sends a warning signal indicating the tailgate is ajar.
7. Canceled

8. Canceled
9. (Currently Amended) An method for assisting in the remote and safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
  - opening tailgate latches with an electro-mechanical actuator positioned inside the tailgate; and
  - controlling a descent of the tailgate with a module by arresting the tailgate in a partially opened position with a pre-tensioned spring with lost motion.
10. (Original) The method of Claim 9, wherein opening tailgate latches with an electro-mechanical actuator is accomplished without interfering with a manual opening of the latches.
11. Canceled
12. (Currently Amended) The method of Claim [[11]] 9, wherein the pre-tensioned spring is a torsion rod.
13. (Currently Amended) The method of Claim [[11]] 9, wherein the pre-tensioned spring is a spiral spring linkage on the tailgate.
14. (Original) The method of Claim 9, further comprising indicating the tailgate is ajar.
15. Canceled
16. Canceled

17. (Currently Amended) An apparatus for remotely opening a tailgate of a truck, comprising:

means for actuating tailgate latches to open the tailgate; and

means for arresting the tailgate in a partially opened position ~~controlling a descent of the tailgate.~~